



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | Use your preferred relay service | info.pca@state.mn.us | Equal Opportunity Employer

May 26, 2016

Mr. Robert A. Kaplan
Acting Regional Administrator
USEPA Region 5
77 West Jackson Boulevard
Mail Code: R-19J
Chicago, IL 60604-3507

RE: Minnesota's Section 128 and Section 110(a)(2)(E)(ii) State Board Requirements for all Pollutants and Section 110(a)(2)(D) Interstate Transport Provisions for the National Ambient Air Quality Standards for Ozone Promulgated in 2008

Dear Mr. Kaplan:

The Minnesota Pollution Control Agency (MPCA) hereby submits to the U.S. Environmental Protection Agency (EPA) a request for revision of Minnesota's State Implementation Plan (SIP).

With this letter, the MPCA formally withdraws the portion of its June 12, 2014, submittal relating to section 128 and section 110(a)(2)(E)(ii) of the Clean Air Act (CAA) and requests to replace that submittal with the SIP revision enclosed with this letter.

The enclosed SIP revisions address two separate requirements of the CAA. The first is intended to address Minnesota's responsibilities relating to the interstate transport provisions of section 110(a)(2)(D)(i)(I) for the ozone National Ambient Air Quality Standards (NAAQS) promulgated in 2008. As noted in EPA's January 22, 2015, memo titled "Information on the Interstate Transport 'Good Neighbor' Provisions for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) under Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I)," EPA's modeling shows that Minnesota's contribution to projected downwind nonattainment and maintenance problems is below the one percent threshold and thus insignificant. The conclusions of this memo were further reinforced on December 3, 2015, when EPA published in the *Federal Register* a proposed update to the Cross-State Air Pollution Rule for the 2008 ozone NAAQS, which included updated regional air quality modeling. Therefore, no further controls or emissions limits are required to fulfill Minnesota's responsibilities under the interstate transport provisions for the 2008 ozone NAAQS.

The second part of this submittal addresses the requirements for state boards under section 128 and section 110(a)(2)(E)(ii) of the CAA for the NAAQS addressed in the MPCA's June 12, 2014, submittal – the 2010 SO₂, 2010 NO₂, 2008 ozone, and 2012 PM_{2.5} NAAQS – as well as for the 2006 PM_{2.5}, 2008 Pb, 1997 ozone, and 1997 PM_{2.5} NAAQS. Per statutory change from the 2015 state legislative session, Minnesota no longer has any board or body which approves permits or enforcement orders in relation to the CAA. Minnesota does have rules and statutes which address any potential conflicts of interest by the head of executive agencies and this submittal addresses those CAA requirements.

The MPCA would like to clarify that we are only submitting our rules and statutes relating to state board requirements for approval as they relate to the CAA and not in connection with any other federal law. We intend for EPA to approve these revisions as satisfying the general requirements of the CAA, including all applicable non-NAAQS specific requirements related to the infrastructure SIP requirements under section 110(a)(2) for all of the following NAAQS: 2010 SO₂, 2010 NO₂, 2008 ozone, 2012 PM_{2.5}, 2006 PM_{2.5}, 2008 Pb, 1997 ozone, and 1997 PM_{2.5}.

Specifically, the revisions include the following statutes and rules as they relate to the state board requirements:

Minn. Stat. § 10A.07 (Effective date: May 25, 2013)
Minn. Stat. § 10A.09 (Effective date: May 25, 2013)
Minn. R. 7000.0300 (Effective date: April 19, 2004)

The following pages lay out the requirements of section 110(a)(2)(D)(i)(I), section 128, and section 110(a)(2)(E)(ii) of the CAA and describe how Minnesota's rules and statutes serve to implement and fulfill these requirements. All the applicable rules are incorporated into Minnesota's SIP. Those that are not currently in Minnesota's SIP are being submitted with this letter to be incorporated into the SIP.

Through our discussions with your office, we believe this submittal meets our requirements as described in "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," issued on September 13, 2013, and EPA's January 22, 2015 memo, titled "Information on the Interstate Transport 'Good Neighbor' Provisions for the 2008 Ozone National Ambient Air Quality Standards (NAAQS) under Clean Air Act (CAA) Section 110(a)(2)(D)(i)(I)."

By my signature below, I am authorizing electronic submittal of this SIP revision via EPA's Central Data Exchange electronic SIP submittal platform. Please contact Amanda Jarrett Smith of my staff at 651-757-2486 or amanda.smith@state.mn.us if you have any questions regarding Minnesota's SIP.

Sincerely,



John Linc Stine
Commissioner

JLS/AS:vs

Enclosures